HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.16464 OF 2004

Between:

Damuluri Satyanarayana (died) per LR

… Petitioner

AND

The Deputy Secretary to the
Government of India,
Freedom Fighters Division,
Ministry of Home Affairs,
Lok Nayak Bhavan, Khan Market,
New Delhi and another

… Respondents

:: O R D E R ::

Counsel for the petitioner : Shri K. Chinna Baba

Counsel for the respondents : Shri A. Rajasekhar Reddy,
Assistant Solicitor General

June 27, 2007

In this petition filed on 13-9-2004, the petitioner Shri Damuluri Satyanarayana prayed for issue of a mandamus to the respondents to grant him pension under Swatantrata Sainik Samman Pension Scheme, 1980 (for short, 'the 1980 Scheme').

During the pendency of the writ petition, Shri Damuluri Satyanarayana died and by an order passed today in WPMP. No.7518 of 2007, I have accepted the request made by his wife Smt. Damuluri Anasurya for being brought on record as the legal representative of the deceased.

The petitioner's claim for grant of pension under the 1980 Scheme is founded on the following assertions contained in paragraph 3 of his affidavit:

> "I am the genuine Freedom Fighter since I fought against the Nizam Government for merger of the Hyderabad State into Indian Union during 1947-48. Under liberalized scheme, the Central Government was pleased to constitute the Hyderabad Special Screening Committee to consider the applications for grant of Freedom Fighters Pension. But, the Screening Committee has not considered our applications during the course of its tenure. On completion of its tenure, the Screening Committee resolved that if any deserving cases are found, the Government of India might dispose off such cases in consultation with the Chairman/Members of the Committee in their individual capacity as leaders of the Nizam Freedom Moment. The same fact was stated by the first respondent in his letter dated 24-12-1997 and placed before this Hon'ble High Court stating that there is no Screening Committee. As my cases has not been considered by the Hyderabad Special Screening Committee, the Former Senior most Member of the Screening Committee Late Sri Kodati Narayana Rao have recommended my case with his personal knowledge and forwarded to the first respondent in his letter dated 07-12-1998. In the letter dated 07-12-1998 I am at serial No. 37. I respectfully submit that, the first respondent was pleased to consider the recommendation made by the Committee Member and my case has been forwarded to the Government of Andhra Pradesh with file No. 112/933/1999 vide D.O. Letter No. 112/895/1999-HC, dated 25-05-1999 referring the D.O. Letter No. 8/12/1990-FF (P) dated 02-07-1998 of Special Secretary, Freedom Fighters Division, New Delhi, in which guidelines have been prescribed for verification of the cases recommended by the Hyderabad Special Screening Committee and requested to submit my verification and entitlement reports for grant of Freedom Fighters Pension along with others. But the second respondent have failed to submit my verification and entitlement reports to the first respondent.

In those circumstances myself and others have filed W.P.No. 19101/1999, aggrieved by not submitting the enquiry report, which was disposed off on 18-11-1999 with the following directions:-

"Having regard to the factual circumstances of the case, I consider it appropriate to direct the first respondent herein to take necessary steps for verification of the cases of all these petitioners and send verification and entitlement pension report to the Ministry of Home Affairs, Government of India so as to enable the Ministry of Home Affairs to consider the cases of the petitioners for grant of Central Samman Pension. The process in this regard shall be completed within a period of four months from the date of receipt of a copy of this order. There shall be an order accordingly."

In support of the above reproduced averments, the petitioner has placed on record letters dated 24-12-1997 and 25-5-1999 written by Deputy Secretary (FF.I), Government of India and letter dated 1-4-2003 sent by Principal Secretary to Government, Revenue (FF.I) Department to Deputy Secretary to Government of India, Ministry of Home Affairs in the matter of verification of the record of the State Government in relation to freedom fighters.

In the counter filed on behalf of respondent No.1, Shri S.D. Kaushik has set out the background of the claims lodged by those who are said to have taken part in Hyderabad Liberation Movement, constitution of the Hyderabad Special Screening Committees, recommendations made by different committees in about 15,000 cases, receipt of large scale complaints by the State Government about the bogus character of the recommendations made by the committee headed by Member of Legislative Assembly, Sri Ch. Rajeswara Rao, and it has been averred that the petitioner's case has so far not been recommended by the State Government after due verification of the relevant documents.

Learned counsel for the petitioner heavily relied on letter dated 1-4-2003 to show that his client's case had, in fact, been

recommended by the Government of Andhra Pradesh to the Government of India and argued that he is entitled to be treated as freedom fighter, but he could not draw the Court's attention to any document or other evidence to show that his client fulfils the conditions specified in the 1980 Scheme. The petitioner has neither pleaded nor any document has been placed before the Court to show that he suffered imprisonment for six months or remained underground for the said period in furtherance of proclamation or arrest warrant or detention order issued by the competent authority. Therefore, the bald assertion made by him that he is a genuine freedom fighter cannot be made basis for recording a finding that he is eligible and entitled to receive pension under the 1980 Scheme.

With the above observation, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP No. 21457 of 2004 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ

June 27, 2007

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